

Message Text

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ACTION EA-09

INFO OCT-01 EUR-12 ISO-00 SP-02 AID-05 EB-07 NSC-05

CIEP-01 TRSE-00 SS-15 STR-04 OMB-01 CEA-01 CIAE-00

COME-00 FRB-03 INR-07 NSAE-00 USIA-06 XMB-02 OPIC-03

LAB-04 SIL-01 L-03 H-02 DODE-00 PA-01 PRS-01 /096 W

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R 260217Z FEB 76

FM AMEMBASSY VIENTIANE

TO SECSTATE WASHDC 6120

INFO AMEMBASSY BANGKOK

AMEMBASSY CANBERRA

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY TOKYO

CINCPAC

C O N F I D E N T I A L SECTION 1 OF 3 VIENTIANE 0489

DEPT ALSO PASS AID

CINCPAC FOR POLAD

E.O. 11652: GDS

TAGS: EFIN, EAID, LA

SUBJECT: FEOF: ISSUES CONCERNING TERMINATION

REF: A) STATE 032861 (102327Z FEB 76), B) VIENTIANE 0366
(120550Z FEB 76), C) VIENTIANE 0321 (070425Z FEB 76)

SUMMARY. FEOF DONOR ADVISORY BOARD (DAB) MET FEBRUARY 24
TO DISCUSS MODALITIES OF TERMINATION OF FUND. LAO REPRESENTATIVE
TO DAB BOUNSOUANE THAVONEKHAM REPORTED THAT
REMAINING DOLLAR BALANCE IN FUND (APPROXIMATELY 900,000
DOLLARS) WOULD IN ALL LIKELIHOOD BE EXHAUSTED DURING
MONTH OF MARCH. FRENCH DAB REPRESENTATIVE ROUZO SAW
NO POSSIBILITY THAT SECOND HALF OF FRANCE'S 1975 FEOF
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CONTRIBUTION WOULD BE "UNFROZEN" AND DISBURSED INTO

FUND BY END OF MARCH. IT WAS AGREED BY ALL REPS PRESENT AT MEETING THAT FEOF MANAGER HUNT SHOULD OFFICIALLY INFORM LAO GOVERNMENT OF IMMINENT EXHAUSTION OF FEOF DOLLAR FUNDS.

LAO REP STATED HIS GOVERNMENT WOULD IN TURN COMMUNICATE THIS FACT BY NOTE TO ALL DONOR REPS AND ASK FOR THEIR GOVERNMENTS' INSTRUCTIONS ABOUT FOLLOWING OUTSTANDING FEOF MATTERS: 1) DISPOSITION OF REMAININGKIP FUNDS GENERATED BY FEOF; 2) DISPOSITION OF PROPERTY OF FEOF; AND 3) DISPOSITION OF PROFIT AND LOSS ACCOUNT OF FEOF. LAO GOVERNMENT NOTE WILL ALSO ASK FOR DISBURSEMENT OF SECOND HALF OF FRANCE'S 1975 CONTRIBUTION. LAO REP INDICATED THAT MINISTRY OF FINANCE MIGHT HOST CEREMONY AT CONCLUSION OF FEOF TO THANK DONOR COUNTRIES FOR THEIR SUPPORT. DAB REPS AGREED TO SEEK INSTRUCTIONS FROM THEIR GOVERNMENTS ABOUT HOW TO HANDLE ABOVE-MENTIONED, OUTSTANDING FEOF MATTERS AND FEOF DISSOLUTION. FINALLY, DONOR REPS DISCUSSED DETAILS OF TERMINATION OF CONTRACT OF FEOF MANAGER A.B. HUNT. US REP WILL CHAIR DAB DURING MONTH OF MARCH, WHEN IT APPEARS TERMINATION OF FEOF MAY OCCUR. END SUMMARY.

1. FEOF DONOR ADVISORY BOARD MET FEBRUARY 24 AT INVITATION OF UK REP FAIRWEATHER, WHO IS CHAIRMAN OF DAB FOR FEBRUARY. ALL DONOR REPS AND LAO REP BOUNSOUANE THAVONEKHAM WERE PRESENT. BEGINNING WITH JAPANESE REP, FAIRWEATHER ASKED DAB REPRESENTATIVES IN TURN IF THEY HAD YET RECEIVED INSTRUCTIONS FROM THEIR HOST GOVERNMENTS ABOUT TERMINATION OF FEOF.

2. JAPANESE POSITION. JAPANESE REP AMANO STATED HE HAD NO INSTRUCTIONS BUT HAD RECEIVED CABLE FROM TOKYO POSITING FOLLOWING FIVE QUESTIONS: 1) WHAT WERE OTHER DONORS' REASONS FOR TERMINATING FEOF? 2) WHAT WAS POSITION OF LAO GOVERNMENT? 3) COULD FEOF MANAGER HUNT'S CONTRACT BE EXTENDED BEYOND MARCH 31 AND, IF NO, COULD SOMEONE ELSE ASSUME HIS POSITION? 4) WHEN WILL FEOF DOLLAR FUNDS BE EXHAUSTED? AND 5) WHAT IS POSITION OF OTHER DONORS ABOUT REMAINING DOLLAR FUNDS? ACTING AS CHAIRMAN OF MEETING, FAIRWEATHER ATTEMPTED TO ANSWER THESE QUESTIONS FOR DAB. FAIRWEATHER NOTED THAT REASONS FOR TERMINATING FEOF WERE THAT IT WAS RAPIDLY RUNNING OUT OF FUNDS, MANAGER'S CONTRACT WAS ABOUT TO EXPIRE, CONFIDENTIAL

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AND ORGANIZATION WAS OBVIOUSLY MORIBUND. FAIRWEATHER STATED THAT, AS HE UNDERSTOOD FROM BOUNSOUANE, LAO GOVERNMENT HAD NO OBJECTION TO TERMINATION OF FEOF PROVIDING REMAINING FUNDS WERE TURNED OVER TO LAOS. BOUNSOUANE NODDED AGREEMENT. FAIRWEATHER POINTED OUT THAT HUNT'S CONTRACT AS MANAGER ENDED MARCH 31 AND COULD NOT BE EXTENDED WITHOUT UNANIMOUS AGREEMENT OF DONORS. HE, THE UK REP, OBJECTED TO EXTENDING HUNT'S CONTRACT AND KNEW THAT HUNT HIMSELF WAS ANXIOUS TO FINISH HIS DUTIES IN LAOS AND LEAVE BY APRIL TO SEEK

OTHER WORK. LAO AUTHORITIES COULD PROBABLY NAME SOMEONE IN HUNT'S PLACE IF NECESSARY. FAIRWEATHER WAS NOT SURE WHEN REMAINING DOLLAR FUNDS (928,813 DOLLARS) WOULD BE EXHAUSTED, AND HE REFERRED QUESTION TO BOUNSOUANE. BOUNSOUANE STATED THAT, IN ALL LIKELIHOOD, REMAINING DOLLARS IN FEOF FUND WOULD BE EXHAUSTED BY END OF MARCH. HE REPORTED THAT LAO FOREIGN EXCHANGE COMMISSION ALREADY

HAD BEFORE IT REQUESTS FOR SOME 450,000 DOLLARS' WORTH OF FOREIGN EXCHANGE, WHICH IT EXPECTED TO APPROVE. BOUNSOUANE BELIEVED REMAINDER OF DOLLARS IN FUND WOULD BE USED BEFORE END OF MARCH. FAIRWEATHER THEN RESPONDED TO AMANO'S LAST QUESTION BY STATING THAT, AS IT APPEARED THERE WOULD BE NO REMAINING DOLLAR BALANCE, IT WAS UNNECESSARY FOR DONOR COUNTRIES TO TAKE A POSITION ON THIS ISSUE. JAPANESE REP AMANO MADE IT PLAIN THAT ANY AGREEMENT OR EXCHANGE OF LETTERS TO DISSOLVE FEOF WHEN DOLLAR FUNDS WERE EXHAUSTED SHOULD NOT PREJUDICE JAPANESE POSITION ON COUNTERPART KIP GENERATED BY JAPANESE CONTRIBUTIONS. AMANO DID NOT KNOW WHEN HE WOULD HAVE RESPONSE FROM JAPANESE AUTHORITIES ON THIS MATTER. HOWEVER, HE INDICATED HIS GOVERNMENT WOULD PROBABLY AGREE TO DISSOLVE FEOF IF THEIR COUNTERPART KIP COULD BE SET ASIDE AND DISPOSITION OF THESE KIP SETTLED IN FUTURE BILATERAL DISCUSSIONS WITH LAO GOVERNMENT.

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COME-00 FRB-03 INR-07 NSAE-00 USIA-06 XMB-02 OPIC-03

LAB-04 SIL-01 L-03 H-02 DODE-00 PA-01 PRS-01 /096 W

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R 260217Z FEB 76

FM AMEMBASSY VIENTIANE

TO SECSTATE WASHDC 6121

INFO AMEMBASSY BANGKOK

AMEMBASSY CANBERRA

AMEMBASSY LONDON

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3. AUSTRALIAN POSITION. AUSTRALIAN REP WILSON SAID HE HAD RECEIVED INSTRUCTIONS THAT CANBERRA IS READY TO TURN OVER 90 PERCENT OF AUSTRALIAN COUNTERPART FUNDS FOR 1974/75 TO LAO GOVERNMENT, BUT NEEDS OFFICIAL REQUEST FROM LAO GOVERNMENT TO DO SO. AUSTRALIAN GOVERNMENT WANTS TO RESERVE 10 PERCENT OF THESE FUNDS TO BE USED FOR AUSTRALIAN AID PROJECTS IN LAOS. WILSON HOPED THAT, WITH TERMINATION OF FEOF AGREEMENTS, AUSTRALIA WOULD NOT HAVE TO WAIT ANOTHER YEAR BEFORE RECEIVING 10 PERCENT THEY WERE RESERVING OF THEIR 1975 COUNTERPART KIP, AS HAD BEEN PRACTICE IN PAST.

4. UNITED KINGDOM POSITION. FAIRWEATHER THEN INTERJECTED TO SAY HE HAD RECEIVED INSTRUCTIONS SIMILAR TO WILSON'S ON DISPOSITION OF 1974/75 COUNTERPART KIP. UK WAS READY TO TURN OVER 90 PERCENT OF THESE FUNDS TO LAO AT REQUEST OF LAO GOVERNMENT. REMAINING 10
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PERCENT SHOULD BE SET APART IN SPECIAL FUND UPON WHICH BRITISH EMBASSY COULD DRAW FOR ENDS FORESEEN IN FEOF ACCORD. UK ALSO HAS NO OBJECTION TO TURNING OVER TO LAO GOVERNMENT WHATEVER REMAINS IN PROFIT AND LOSS ACCOUNT AFTER PAYMENT OF SALARIES AND SEVERANCE BENEFITS TO HUNT AND HIS STAFF. UK AGREES THAT TWO AUTOMOBILES, OFFICE EQUIPMENT AND FURNITURE WHICH COMPRISE PHYSICAL ASSETS OF FEOF IN LAOS BE TURNED OVER TO LAO GOVERNMENT.

5. FRENCH POSITION. FRENCH REP SAID HE HAD RECEIVED LETTER THROUGH HUNT FROM LAO GOVERNMENT ASKING WHEN SECOND HALF OF FRENCH 1975 CONTRIBUTION TO FEOF WOULD BE RECEIVED. BOUNSOUANE INTERRUPTED WITH AN APPEAL FOR THIS CONTRIBUTION, WHICH HE SAID LAOS BADLY NEEDED. ROUZO REPEATED WHAT HE HAD SAID AT LAST DAB MEETING (SEE REF B) ABOUT FRENCH CREDITS TO LAOS BEING FROZEN BY DECISION OF PRESIDENT OF FRENCH REPUBLIC. ROUZO STRESSED THAT THESE CREDITS, INCLUDING FEOF CONTRIBUTION, HAVE MERELY BEEN SUSPENDED, NOT REFUSED. DECISION ON THESE CREDITS WILL NOT BE TAKEN BY FRENCH GOVERNMENT UNTIL AFTER BILATERAL TALKS ARE HELD WITH LAO GOVERNMENT. FRENCH HAVE PROPOSED TALKS IN PARIS DURING FIRST HALF OF MARCH AND ARE STILL WAITING FOR LAO RESPONSE. ROUZO SAID HE FORESAW NO FRENCH OBJECTION TO TERMINATION OF FEOF BEFORE COMPLETION OF THESE TALKS. PROBLEM OF PROPOSED FRENCH CONTRIBUTION TO FEOF FOR SECOND HALF OF 1975, WHICH HAS BEEN FROZEN, COULD BE COVERED BY EXCHANGE OF LETTERS BETWEEN FRANCE AND LAOS. FUTURE DISBURSEMENT OF THIS CREDIT COULD BE TREATED AS BILATERAL MATTER.

6. UNITED STATES POSITION. U.S. REP STATED THAT EMBASSY HAD HAS YET RECEIVED NO INSTRUCTIONS ABOUT DISSOLUTION OF FEOF ALTHOUGH WASHINGTON HAD ACKNOWLEDGED RECEIPT OF OUR QUESTIONS ABOUT FEOF TERMINATION ISSUES.

7. AFTER HEARING FROM ALL REPS PRESENT, FAIRWEATHER SUMMED UP THAT IT APPEARED IMPOSSIBLE TO TERMINATE FEOF BY UNANIMOUS AGREEMENT BEFORE EXHAUSTION OF ITS REMAINING DOLLAR FUNDS BECAUSE OF JAPANESE DIFFICULTIES WITH SUCH A PROCEDURE. HOWEVER, LAO REP BOUNSOUANE HAD REPORTED THAT DOLLAR FUNDS WOULD PROBABLY BE COMPLETELY USED UP BEFORE END OF MARCH. FAIRWEATHER SUGGESTED THAT FEOF COULD BE DISSOLVED AT THAT TIME BY AN EXCHANGE OF LETTERS BETWEEN LAO GOVERNMENT AND DONOR GOVERNMENTS. DAB REPS AGREED THAT EXCHANGE OF LETTERS APPEARED TO BE SIMPLEST, LEAST CONTENTIOUS METHOD OF DISSOLVING FEOF WHILE ALLOWING EACH DONOR COUNTRY TO HANDLE ITS CONFIDENTIAL

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SPECIAL PROBLEMS SEPARATELY WITH LAO GOVERNMENT. DONORS WOULD NEED TO REACH UNANIMOUS AGREEMENT ON ISSUES OF DISPOSITION OF FEOF'S PHYSICAL PROPERTY IN LAOS AND OF WHATEVER REMAINS IN PROFIT AND LOSS ACCOUNT AFTER PAYMENT OF TERMINATION PAY TO FEOF STAFF AND OTHER ADMINISTRATIVE EXPENSES. DONOR REPS AGREED TO RECOMMEND TO THEIR GOVERNMENTS THAT PHYSICAL ASSETS OF FEOF AND MONEY LEFT IN PROFIT AND LOSS ACCOUNT AFTER FINAL ADMINISTRATIVE EXPENSES ARE MET BE TURNED OVER TO LAO GOVERNMENT.

8. LAO REP BOUNSOUANE SUGGESTED THAT FEOF MANAGER HUNT SHOULD SEND NOTE TO LAO GOVERNMENT ASAP PROVIDING OFFICIAL NOTIFICATION OF IMMINENT EXHAUSTION OF FEOF DOLLAR FUNDS. (COMMENT: HUNT SENT NOTE TO LAO GOVERNMENT LATER SAME DAY, FEBRUARY 24, STATING THAT FEOF DOLLAR FUNDS WOULD BE EXHAUSTED BEFORE MARCH 31 AT CURRENT RHYTHM OF SALES OF FOREIGN EXCHANGE.) BOUNSOUANE SAID HIS GOVERNMENT WOULD IN TURN COMMUNICATE THIS FACT OFFICIALLY TO ALL DONOR REPS AND ASK FOR THEIR GOVERNMENTS' INSTRUCTIONS ABOUT FOLLOWING MATTERS: 1) DISPOSITION OF REMAINING KIP FUNDS GENERATED BY FEOF; 2) DISPOSITION OF PHYSICAL ASSETS OF FEOF IN LAOS; AND 3) DISPOSITION OF PROFIT AND LOSS ACCOUNT OF FEOF. LAO REP SAID HIS GOVERNMENT'S NOTE WILL ALSO ASK AGAIN FOR DISBURSEMENT OF SECOND HALF OF FRANCE'S 1975 CONTRIBUTION. BOUNSOUANE SAID THAT FINANCE MINISTRY MAY HOLD CEREMONY AT TIME OF DISSOLUTION OF FEOF TO THANK DONOR COUNTRIES FOR THEIR SUPPORT OVER THE YEARS. DONOR REPS OFFERED NO ENCOURAGEMENT FOR THIS IDEA, BUT INDICATED IT WAS UP TO LAO GOVERNMENT WHETHER THEY WISHED TO HOST SUCH A CEREMONY.

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COME-00 FRB-03 INR-07 NSAE-00 USIA-06 XMB-02 OPIC-03

LAB-04 SIL-01 L-03 H-02 DODE-00 PA-01 PRS-01 /096 W

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R 260217Z FEB 76

FM AMEMBASSY VIENTIANE

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INFO AMEMBASSY BANGKOK

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9. AS FINAL ITEM, FAIRWEATHER BROUGHT UP QUESTION OF FEOF
MANAGER A.B. HUNT'S CONTRACT, WHICH RUNS OUT ON 31 MARCH 1976.
FAIRWEATHER ASKED AGREEMENT OF DAB REPS TO PROPOSAL THAT, ON EXPIRATION
OF THIS CONTRACT, HUNT BE PAID SIX MONTHS' SALARY -- REPRESENTING
THREE MONTHS' SALARY FOR LEAVE DUE HUNT AND NOT TAKEN AND
THREE MONTHS' SALARY AS A SPECIAL "EX GRATIA" SEVERANCE PAYMENT.
PAYMENT TO HUNT WILL COME OUT OF PROFIT-AND-LOSS ACCOUNT AS
ADMINISTRATIVE EXPENSE. FAIRWEATHER NOTED THAT HUNT HAS WORKED
UNDER VERY DIFFICULT CONDITIONS FOR LAST 18 MONTHS, FILLING POSITIONS
ENVISAGED FOR TWO PEOPLE. BECAUSE TIMING OF DISSOLUTION OF FEOF
HAS BEEN INDEFINITE AND BECAUSE HUNT WAS UNABLE TO LEAVE LAOS
FOR EXTENDED PERIOD, IT HAD BEEN IMPOSSIBLE FOR HIM TO MAKE OTHER
EMPLOYMENT ARRANGEMENTS. ALL DAB REPS PRESENT AGREED THAT
PROPOSED LEAVE AND SEVERANCE PAY SHOULD BE AUTHORIZED. FAIRWEATHER
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HAD DRAFTED LETTER TO HUNT INFORMING HIM OF PAYMENTS ON TERMINATION OF HIS CONTRACT AND REMINDING HIM THAT HE IS ENTITLED TO SINGLE, ECONOMY CLASS AIR TICKET TO UK AS PROVIDED IN HIS ORIGINAL CONTRACT. AT REQUEST OF JAPANESE REP, IT WAS AGREED TO POSTPONE DELIVERY OF THIS LETTER TO HUNT UNTIL AFTER ALL REPS HAD RECEIVED NOTICE FROM LAO GOVERNMENT OF IMMINENT EXHAUSTION OF FEOF FUNDS. FAIRWEATHER HAD ALSO PREPARED DRAFT LETTER OF RECOMMENDATION FOR HUNT WHICH DESCRIBES HIS DUTIES AS MANAGER OF FEOF FROM AUGUST, 1972 TO MARCH 1976. DAB REPS AGREED ON SUBSTANCE OF THIS LETTER. IF DISSOLUTION OF FEOF OCCURS DURING MONTH OF MARCH, WHEN U.S. CHAIRS DAB, THIS EMBASSY WILL ISSUE BOTH LETTERS TO HUNT ON BEHALF OF DONOR ADVISORY BOARD, PROVIDED THAT WASHINGTON PERCEIVES NO OBJECTION.

10. ACTION REQUESTED: REQUEST INSTRUCTIONS ON DISPOSITION OF OUR KIP BALANCE AND ON OTHER ASPECTS OF TERMINATION OF FEOF RAISED IN THIS

MESSAGE AND IN REFS B AND C. WE HOPE DEPARTMENT AND AID CAN AGREE THAT PHYSICAL ASSETS OF FEOF IN LAOS AND MONEY LEFT IN PROFIT AND LOSS ACCOUNT AFTER FINAL ADMINISTRATIVE EXPENSES ARE MET CAN BE TURNED OVER TO LAO GOVERNMENT IN ORDER TO FACILITATE TERMINATION OF FEOF AND TO AVOID ACRRIMONY OVER THESE RELATIVELY MINOR POINTS. AS NOTED IN REF B, WE ALSO HOPE THAT DEPARTMENT AND AID CAN TAKE FAIRLY RELAXED VIEW ON DISPOSITION OF U.S.KIP BALANCE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, PERSONNEL, FINANCIAL CONTRIBUTIONS, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 26 FEB 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976VIENTI00489
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760071-0902
From: VIENTIANE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976027/aaaaafzz.tel
Line Count: 355
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 7
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 STATE 32861, 76 VIENTIANE 366
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 20 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20 APR 2004 by greeneet>; APPROVED <11 AUG 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: FEOF: ISSUES CONCERNING TERMINATION
TAGS: EFIN, EAID, LA, FEOF
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006